

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAYMOND DOUGLAS YOUNG,	:	CIVIL ACTION NO. 1:02-CV-1437
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
CITY OF YORK, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 24th day of June, 2005, upon consideration of defendants' motion for sanctions (Doc. 101), in which defendants request dismissal of the above-captioned case and an award of costs and attorney's fees based on plaintiff's conceded failure to respond to properly served discovery requests and to attend a properly noticed deposition, and of plaintiff's response, in which plaintiff argues that his failure should be excused because he lacks adequate financial resources to retain counsel (Doc. 105), and the court finding that, in light of plaintiff's failure to respond to properly served discovery requests and to attend a properly noticed deposition, sanctions are appropriate, see FED. R. CIV. P. 37(d), but that, in light of the lack of demonstrable prejudice to defendants' litigation position and plaintiff's limited financial resources, dismissal of the above-captioned case is unwarranted and an award of costs and attorney's fees would be unjust, see id. (stating that, if a party fails to comply with discovery obligations, court may impose such sanctions "as are just"); see also Quinn v. Consol. Freightways of Del., 283 F.3d 572, 576 (3d Cir. 2002) (discussing factors to be considered in imposing sanctions), it is hereby

ORDERED that the motion for sanctions (Doc. 101) is GRANTED in part and DENIED in part as follows:

1. Plaintiff shall appear for a deposition at a time and a place to be selected by defendants. See FED. R. CIV. P. 30, 37(d).
 - a. Defendants shall be permitted to serve a notice of deposition upon plaintiff by mailing a copy to the last known address of plaintiff (see Doc. 95).¹ See FED. R. CIV. P. 5.
 - b. Plaintiff's failure to appear for the deposition at the time and place identified in the notice of deposition shall be construed as a willful violation of the court's authority and shall result in the above-captioned case being dismissed with prejudice. See FED. R. CIV. P. 37(d).
2. Plaintiff shall serve answers to interrogatories and responses to requests for production of documents within thirty days of service by defendants. See FED. R. CIV. P. 33, 34, 37(d).
 - a. Defendants shall be permitted to serve interrogatories and requests for production of documents upon plaintiff by mailing copies to the last known address of plaintiff. See FED. R. CIV. P. 5.
 - b. Plaintiff's failure to serve answers to interrogatories and responses to requests for production of documents within thirty days of service shall be construed as a willful violation of the court's authority and shall result in the above-captioned case being dismissed with prejudice. See FED. R. CIV. P. 37(d).
3. The stay of proceedings entered by prior order of court (Doc. 104) is LIFTED.

¹ The Clerk of Court is requested to update the docket in the above-captioned case to reflect the address listed in plaintiff's most recent notice of change of address. (Doc. 95).

4. The pre-trial and trial schedule in the above-captioned case is MODIFIED as follows:
 - a. Discovery shall be completed on or before Monday, August 22, 2005.
 - b. Dispositive motions and supporting briefs shall be filed on or before Monday, August 29, 2005.
 - c. Motions in limine and supporting briefs shall be filed on or before Monday, October 17, 2005.
 - d. Pre-trial memoranda shall be filed on or before Wednesday, October 26, 2005.
 - e. Proposed voir dire questions and proposed jury instructions shall be filed on or before Wednesday, November 2, 2005.
 - f. The final pre-trial conference in the above-captioned case shall be held at 1:00 p.m. on Wednesday, November 2, 2005, in Courtroom No. 2, Ninth Floor, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania.
 - g. Jury selection in the above-captioned case shall commence at 9:30 a.m. on Monday, November 7, 2005, in Courtroom No. 2, Ninth Floor, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania.
5. All previous case management orders remain in full force and effect except as modified herein.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge